THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 25125 of 2007

DATED: 26-11-2007

Between:

Sri Swamy Ayyappa Cooperative Housing Society
Limited, rep. by its Secretary
Alladi Raghunadha Rao

…Petitioner

and

Secunderabad Contonment Board, rep. by its
Chief Executive Officer,
City Civil Court Campus, Secunderabad and others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25125 of 2007

Oral order:

This writ petition is misconceived. The petitioner is a Cooperative Housing Society and herein seeks a declaration that the action of the respondents 1 and 2 in demolishing the properties of its members in Sy.Nos. 232 and 235 of Thokatta Village, Bowenpally, Secunderabad Cantonment is illegal and contrary to the provisions of Article 14 and 300-A of the Constitution.

As is apparent from the pleadings and the submissions of Sri P.Venugopal, the learned counsel for the petitioner, the petitioner's society has already divested itself from title to the property and has transferred the same in favour of its members.

The members of the petitioner's society are alleged to have made constructions without obtaining permission of the Cantonment Board as is required under the provisions of the Cantonments Act, 2006 and the relevant regulations thereunder. On the basis of such allegation, the 1st respondent-Cantonment Board has initiated action and issued notices to some of the members of the petitioner's society under Section 185 (i) of the Cantonment Act, 1924 as well as under Section 320 of the Cantonments Act, 2006 and has now issued notices to the specified members to vacate the premises so as to enable the Cantonment Board to demolish the unauthorized structures.

As the petitioner's society has no subsisting title in respect of the property against which the 1st respondent-Board is proceeding to

initiate processes under the provisions of the Act, the petitioner's society is seen to have no nexus whatsoever and therefore no locus to maintain this writ petition.

The writ petition is accordingly dismissed at the stage of admission. There shall be no order as to costs.

GODA RAGHURAM, J

26-11-2007
GRR